

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MAGDALENA NIEZGODA,

Plaintiff,

v.

NATIONAL GUARANTY INSURANCE, *et. al.*,

Defendants.

2:10-cv-01069-RCJ-LRL

O R D E R

Plaintiff has filed an Application to Proceed In Forma Pauperis pursuant to NRS 12.015 and a Complaint (#1).

Plaintiff has filed her Application and Complaint in federal court. The Application and Complaint must be dismissed, however, because this court lacks subject-matter jurisdiction to hear her claims. Fed.R.Civ.P. 12(h)(3). Federal courts have two main sources of subject matter: federal question jurisdiction and diversity jurisdiction. Under federal question jurisdiction, a litigant may bring a claim in federal court if the claim or claims arise under federal law. 28 U.S.C. § 1331. Diversity jurisdiction permits individuals to bring claims that do not arise under federal law – for example, state law claims – where the claim exceeds \$75,000 *and* the parties are citizens of different states. 28 U.S.C. § 1332.

Here, plaintiff does not allege a claim under federal law, and therefore does not call upon the court's federal question jurisdiction to hear the claims. Plaintiff alleges causes of action under state common law but indicates that she and the defendants are citizens of the same state, Nevada, and prays for monetary relief in the amount of \$30,602.66. The court therefore lacks diversity jurisdiction to hear the claims, as well.

Accordingly, and for good cause shown,

...

1 IT IS ORDERED that plaintiff's Application to Proceed In Forma Pauperis and Complaint (#1)
2 are dismissed without prejudice.

3 DATED this 26th day of August, 2010.

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6 **LAWRENCE R. LEAVITT**
7 **UNITED STATES MAGISTRATE JUDGE**
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